**UNITED NATIONS**

**E**

**Economic and Social Council**

Distr.
GENERAL

E/CN.4/1997/3
30 September 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Items 9 and 22 of the provisional agenda

# FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

## FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Note by the High Commissioner for Human Rights

1. The special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme met in Geneva from 28 to 30 May 1996, in accordance with the request contained in the Vienna Declaration and Programme of Action (Part II, para. 95).

2. The High Commissioner for Human Rights has the honour to transmit to the members of the Commission on Human Rights the report of that meeting.

Annex

# REPORT OF THE MEETING OF SPECIAL RAPPORTEURS/REPRESENTATIVES EXPERTS AND CHAIRPERSONS OF WORKING GROUPS OF THE SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS AND OF THE ADVISORY SERVICES PROGRAMME

Geneva, 28-30 May 1996

Rapporteur: Ms. Mónica Pinto

CONTENTS


| | Paragraphs | Page |
|---|---|---|
| Introduction | 1 - 12 | 3 |
| I. SUMMARY OF DISCUSSION | 13 - 60 | 5 |
| II. RECOMMENDATIONS | 61 - 78 | 16 |
| Appendix: List of participants | | 20 |

## Introduction

1. The meeting was organized as a follow-up to the World Conference on Human Rights and to the prior two meetings of special rapporteurs/representatives/experts and chairmen of working groups of the special procedures and the advisory services programme of the Commission on Human Rights, which were held in 1994 and 1995. The Vienna Declaration and Programme of Action, in its section entitled "Implementation and monitoring methods", underlined "the importance of preserving and strengthening the system of special procedures" and specified that "the procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings" (Part II, para. 95).

2. Prior to the adoption of the Vienna Declaration and Programme of Action, an informal meeting of special rapporteurs/representatives/experts and chairmen of working groups of the special procedures was held at Geneva during the preparatory process leading to the World Conference on Human Rights. During the World Conference, a second informal meeting was held at Vienna, to which the special rapporteurs/representatives/experts and chairmen of working groups of the special procedures contributed a joint declaration (A/CONF.157/9).

3. The first meeting of special rapporteurs/representatives/experts and chairmen of working groups of the Commission on Human Rights following the World Conference on Human Rights was organized at Geneva from 30 May to 1 June 1994. In so far as independent experts of the advisory services programme were viewed to be faced with very similar situations to those of the special procedures and at least two experts of the advisory services programme were charged explicitly with fact-finding tasks, these experts also participated in the meeting. The participants adopted a report containing a summary of their discussions and a list of their recommendations (E/CN.4/1995/5, annex).

4. The second meeting of special rapporteurs/representatives/experts and chairmen of working groups of the Commission on Human Rights and of the advisory services programme was organized at Geneva from 29 to 31 May 1995. At this meeting, the two independent experts appointed under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 were also invited to participate in so far as their mandates are essentially the same as those of the independent experts of the special procedures, except that the experts appointed under the 1503 procedure report confidentially to the Commission on Human Rights. The participants adopted a report containing a summary of their discussions and a list of their recommendations (E/CN.4/1996/50/Add.1).

5. The present meeting had before it annotations to the provisional agenda prepared by the Secretariat. It also had before it a draft manual for special rapporteurs/representatives/experts and chairmen of working groups of the Commission on Human Rights, a background paper on the restructuring of the Centre for Human Rights, a background paper on administrative questions including budgetary issues, and a background paper concerning the question of terrorism, all of which were prepared by the Secretariat. The participants were also provided with an article from the "International Review of the

Red-Cross", of July-August 1986, written by Hans-Peter Gasser, entitled "Prohibition of terrorist acts in international humanitarian law", an article written by Nigel Rodley, entitled "Can armed opposition groups violate human rights?", published in Human Rights in the Twenty-first Century: A Global Challenge (Dordrecht/Boston/London: Martinus Nijhoff, 1993) and a paper prepared by a UNIFEM expert, Ms. Donna Sullivan, on the integration of women's human rights into the activities of the experts of the special procedures and advisory services programme.

6. The list of participants at the meeting is provided in an appendix.

7. In the absence of a specific budgetary allocation by the legislative authorities to facilitate the meeting, the independent experts were invited to combine their attendance with consultations at Geneva provided for in their respective mandates.

8. Following the example of the second meeting, the Chairman of the fifty-second session of the Commission on Human Rights, Mr. Gilberto Vergne Saboia, was invited to participate in the deliberations on agenda item 6 in order to make possible a more direct exchange of views between the participants and the Commission. Pursuant to a recommendation made by the High Commissioner for Human Rights at the second meeting, the Chairperson of the sixth meeting of persons chairing human rights treaty bodies, Mrs. Akila Belembaogo, addressed the meeting. Ms. Donna Sullivan and Ms. Sunila Abeysekera of UNIFEM also addressed the participants on how the human rights of women could be incorporated in their work.

9. The meeting was opened with an address by the High Commissioner for Human Rights. He referred to the serious transformations envisaged within the Centre for Human Rights aimed at improving the quality of information, the efficiency of support and the effectiveness of activities. The High Commissioner briefed the participants on the restructuring of the Centre, emphasizing that the new structure was intended to rationalize, adapt, strengthen and streamline the United Nations machinery for human rights. He described various initiatives that he had undertaken during the previous year to help enhance coordination and cooperation between the participants and his office. In that regard, he recalled the first coordination meeting he had convened in Geneva with the three Special Rapporteurs of the Great Lakes region and to contacts that he had made with other United Nations bodies, in particular development and financial institutions. He also referred to various steps that he had taken to implement recommendations made at the prior meetings of the participants. Further, he emphasized the need for the participants to integrate the human rights of women and the girl child into their work.

10. The meeting adopted the following agenda:

1. Opening of the meeting by the High Commissioner for Human Rights. Address by the High Commissioner.

2. Election of the Chairperson and the Rapporteur.

3. Adoption of the provisional agenda.

4. Cooperation with the High Commissioner for Human Rights.

5. Restructuring of the Centre for Human Rights.

6. Format, length and deadlines for reports.

7. Assessment of progress made in achieving the mandated objectives.

8. Coordination between the special procedures system and the treaty bodies.

9. The problem of the relationship between terrorist activities and human rights in the context of participants' mandates.

10. Integrating the rights of women.

11. Administrative questions, including budgetary issues.

12. Other matters.

13. Consideration and adoption of the report of the meeting.

11. Mr. Bacre Waly Ndiaye was elected Chairperson and Ms. Mónica Pinto was elected Rapporteur.

12. The meeting was closed by the Assistant Secretary-General for Human Rights, who noted that the meeting had strengthened the relevance of the annual meetings and recalled how it had evolved from the Vienna Conference in 1993 into a regular event in the calendar. He considered the debates to be of great value and committed himself to finding the best ways and means for the Centre to support the implementation of the recommendations adopted.

## I. SUMMARY OF DISCUSSION

### Agenda item 4

### Cooperation with the High Commissioner for Human Rights

13. At the 1995 meeting, the question of how the High Commissioner could assist in following up on recommendations made by participants within their mandates had acquired such importance that the participants had decided that it should be considered as a separate item on the agenda of the present meeting. Mr. Joinet was chosen as a focal point to compile suggestions submitted by the participants on the matter. These suggestions are reflected in the recommendations included in the present report.

14. Several participants reiterated the view expressed at previous meetings that it was important to know in due time the travel programme of the High Commissioner, as well as major initiatives taken or to be taken by him. One participant noted that such information was particularly important for thematic rapporteurs or working groups who were planning missions to a given country and for whom it was, therefore, essential to know whether the High Commissioner, or other rapporteurs, had had contacts with the Government

concerning the possibility of a visit. One suggestion concerning the coordination of information on the travel plans of the High Commissioner and experts was to have the Secretariat prepare a yearly planner for each of the participants and the High Commissioner, which would be updated monthly and circulated among the participants. In that regard, it was noted that the monthly newsletter of the High Commissioner and the internal newsletter of the Centre for Human Rights did not assist the participants in their planning because the information contained in the newsletters was out of date by the time it was received by the participants. Another participant noted that a yearly planner might be feasible, but the Secretariat was already overburdened and it might create more red tape. It was suggested that it might be better for the participants to have informal contacts with a staff member of the Centre who would coordinate the activities of the participants and the High Commissioner. There was consensus that it was important that the participants should be aware of each other's plans. In that regard, the participants expressed the hope that the new structure would help to improve coordination by placing all mechanisms of the special procedures and advisory services programme in one management unit. The High Commissioner said that under the new structure it was envisaged that one staff member would be responsible for the coordination of all activities, thereby ensuring that information was made available to all those concerned.

15. Several participants stated that there was a serious lack of coordination among the various bodies and agencies of the United Nations system dealing with human rights issues and that that situation seriously undermined efficiency. While the participants welcomed the initiative of the High Commissioner to convene a meeting of the three Special Rapporteurs of the Great Lakes region, concrete examples were given of cases in which the participants had not been informed of action taken by other United Nations bodies or agencies. The participants agreed that there was, therefore, a need for the High Commissioner to establish stronger links with other United Nations bodies or agencies to improve coordination. In that connection, the High Commissioner noted that coordination within an organization of sovereign States was very difficult. Progress could only be made step by step. He provided some concrete examples of improved coordination between the Department of Public Information and his office, as well as some initiatives aimed at reinforcing the coordinating role that was set forth in his mandate.

16. The participants expressed the view that recent developments concerning the establishment of field offices were an important advance in the effective monitoring of human rights violations. In that regard, they stressed the need for a clear division of labour between field offices and themselves. They recalled that it was envisaged that the information gathered by the field officers should be sent to the relevant thematic mechanisms. One participant noted that there was a need for the participants to develop a consistent, methodical practice for responding to such information. Similarly, the thematic rapporteurs and working groups must deal with the information reported on by the country rapporteurs systematically, in a coordinated fashion. In that regard, the thematic rapporteurs and working groups should be apprised of the conclusions reached and the recommendations made by country rapporteurs.

17. The meeting expressed its great appreciation to the High Commissioner for the information that he had provided, as well as for the frank and candid exchange of views on matters of common interest.

Item 5

Restructuring of the Centre for Human Rights

18. On the second day of the meeting the participants were presented with a paper prepared by the Office of the High Commissioner concerning the restructuring process. In addition, they were briefed by a representative of the Office of the High Commissioner, who provided the background to the ongoing process, noting that it had been initiated by the High Commissioner after he took office in 1994. The process took into account the financial and budgetary crisis, the General Assembly's requests concerning the right to development and a report by the Under-Secretary-General for Internal Oversight Services to the General Assembly finding that there were serious inefficiencies in the Centre for Human Rights. The new structure, which would consist of three management units, had been developed to ensure: (i) quality of information and analysis provided to United Nations human rights machinery and policy development; (ii) efficiency of support provided to the United Nations human rights bodies and organs; and (iii) effectiveness of action taken to promote and protect human rights. He emphasized that it was not simply a matter of changing the structure. A radical change was required in the philosophical approach to the organization of work, calling for all concerned, including the participants, to think differently in order to obtain improved results. The priority of the High Commissioner was to provide better, more rapid service. The conversion to the new structure would take place by the end of September. In the meantime, the participants would receive support from the same branches that were currently servicing their mandates.

19. Although one participant noted that his view had been sought, a number expressed regret that they had not been contacted by the external management consulting firm during the process. Several participants expressed concern as to how the new structure would improve the quality of service that the participants currently received. Many noted that it was unclear how management unit 3 was going to service their mandates. Several participants pointed out that within the context of the restructuring, financial and human resources should be a priority. One participant expressed the hope that, given the shortage of resources, the restructuring would lead to greater efficiency. It was noted that, while participants were prepared to "think differently", that should not imply willingness to accept even more reduced servicing from the Centre. Another participant pointed out that there was a need for a change in the whole management style of the Centre. That would require the recruitment of individuals at the highest management level to change the current culture. In the light of past experiences that demonstrated that the efficiency and effectiveness of their work had been seriously affected by changes in personnel, participants expressed concern about the effects that the restructuring process would have on the continuity and stability that was necessary for the servicing of their mandates. The participants agreed that they each needed at least one full-time staff member of the Centre to assist them in carrying out their mandates. There was

consensus among the participants that they required more information on the new structure and on its functioning, in particular how it would affect their respective mandates.

Agenda item 6

Format, length and deadlines for reports

20. The participants expressed their great appreciation for the explanations given to them by the Assistant Secretary-General for Human Rights, and by the Director of the Conference Services Division and the Chief of the Conference Service.

21. The participants expressed their unanimous opinion that a 32-page limit for their reports could not be countenanced by special rapporteurs because such limits undermined their role and effectiveness in carrying out their mandates. In some, perhaps in all, cases, it was simply not possible to cover a mandate, especially a thematic mandate, within the allotted page limit, unless the report was merely to provide a statistical overview of the responses of Governments.

22. One participant argued that the compulsory page limit was tantamount to censorship, because it imposed upon the special rapporteurs, representatives, experts and working groups serious restrictions that prevented them drawing as complete a picture as possible of a given situation or phenomenon. It was proposed that flexibility should be the leading criterion. Another participant suggested that the 32-page rule applied only to the main report but not to annexes, which did not have to be translated.

23. The Assistant Secretary-General for Human Rights said that the page limit had been decided upon by the General Assembly. He explained some of the financial problems being encountered by the Conference Services Division, which had responsibility for the editing, translation and distribution of documents. He pointed out that, in practice, he and the Division had been flexible in the application of the rule.

24. One participant noted that the time-limit for submission of reports to the Commission on Human Rights (31 December) was problematic because it fell in the period during which the support of the Centre was the least available because of the seasonal holiday. That period coincided with the period of the final preparation of the reports, which almost always required close attention to editing and verification of facts.

25. In that regard, the Assistant Secretary-General pointed out that, as required by the General Assembly, documents should be made available to States six weeks before the Commission and that another four weeks before that were needed for the Conference Services Division to discharge its duties. A participant sought clarification as to whether the determination of the 10-week rule was based on the date when the reports would be considered by the Commission under the relevant item or when the Commission began its session.

26. Concerning the presentation of reports before the Third Committee of the General Assembly, one participant voiced frustration at the lack of logistical

support from the liaison office in New York of the Centre for Human Rights. He was of the view that greater coordination was needed to maximize the use of experts' time during their visits to United Nations Headquarters.

27. A number of participants felt that limiting their introductory statements before the General Assembly to 10 minutes without any debate marginalized their role. Others felt that their 15- or 20-minute interventions before the Commission on Human Rights were useful in order to update information given in their reports, as well as to highlight the main features of the situation under analysis.

28. One participant raised the question of whether there should be a special item on the agenda of the Commission devoted to the special procedures system, in order to allow more ample presentation of the reports and to allow for an exchange of views on the findings and recommendations contained therein. Others expressed the view that such a procedure would diminish the impact of their work.

29. Some participants underlined the need for the institutionalization of some sort of dialogue between the Commission and experts. It was suggested that the meeting should formulate some concrete recommendations thereon.

30. In that context, the participants expressed their great appreciation at having the opportunity to exchange views and ideas with the Chairman of the fifty-second session of the Commission on Human Rights, Mr. Gilberto Vergne Saboia, who attended the meeting for the debate on item 6.

31. The Chairman of the Commission pointed out that the relationship between the Commission and the experts was of the highest priority. He was of the view that everything had to be done to improve it. In particular, he expressed the view that the Commission had to study how to schedule the participation of the experts in a more efficient manner. In relation to the interval between the presentation of their reports and the consideration of the relevant draft resolutions, the Chairman noted that the delay was generally due to ongoing negotiations. He considered that a round table format would improve dialogue on the subject-matter of a given report.

32. The meeting addressed the question of whether the experts should be present at the Commission on Human Rights until the adoption of the relevant resolutions. Certain participants argued that they should be present until the adoption of the resolution on their particular mandate. They considered it critical not only to be aware of the negotiations leading up to the adoption of the resolution, but also to be in a position to influence the outcome. Other participants considered that their role did not, and should not, involve any sort of lobbying and that their particular report should speak for itself.

33. A suggestion was made to the effect that while it might not be necessary for special rapporteurs to stay until the pertinent resolutions were adopted by the Commission, it might be useful for them to be involved, at least partially, in the debate leading up to the adoption of those resolutions.

34. A related point of dissatisfaction expressed by a few participants arose from a feeling that their report had little or no impact on the resolutions themselves, in particular, because it appeared in some cases that the draft resolutions were already formulated prior to the submission of the report.

Agenda item 7

Assessment of progress made in achieving the mandated objectives

35. In the light of the outcome of the fifty-second session of the Commission, one participant suggested that an item concerning review and assessment of developments within the human rights machinery, in particular the Commission, should be included on the agenda of future meetings of the participants.

36. A number of participants voiced dissatisfaction that several of the issues referred to at the present meeting had been raised at earlier meetings, but that little had been done to ensure that recommendations were implemented. In that connection, one participant said that it might be valuable to have an "inventory" of all recommendations and proposals made in the reports of the special rapporteurs. Such an inventory could help identify consensus, redundancy and the measures needed to ensure implementation of those recommendations. The participants were of the view that, at present, no one in the Centre seemed to have special competence to follow up on the recommendations of their previous meetings. Some participants pointed out that increased coordination had been achieved as a follow-up to the recommendations of the second meeting in respect of urgent actions and the holding of consultations and meetings among country-specific rapporteurs concerning cross-border problems in a given region, for example, the Great Lakes region.

37. One participant said that once the international community adopted a firm stand, it produced effects. He illustrated his statement with a summary of the practical effects on his mandate of a declaration adopted at the first meeting.

38. The meeting also addressed the issue of coordination between the Commission on Human Rights and the High Commissioner for Human Rights as far as in situ visits were concerned. The participants were of the firm opinion that international scrutiny should not be undermined by manipulation on the part of a given Government leading to the invitation of one special rapporteur at the expense of the visit of another or others.

39. One participant expressed satisfaction at the expeditious way in which the United Nations had reacted to threats of a defamation suit being brought against him for statements made in his capacity as Special Rapporteur. The United Nations had called upon the Government concerned to respect its obligations under the Convention on the Privileges and Immunities of the United Nations. In that regard, he welcomed the fact that the manual prepared by the Centre for the experts in follow-up to the recommendations of a previous meeting included a paragraph on privileges and immunities.

Agenda item 8

Coordination between the special procedures system and the treaty bodies

40. The meeting greatly appreciated a statement by the Chairperson of the meeting of persons chairing human rights treaty bodies, Mrs. Akila Belembaogo. She described the increasing coordination among the treaty bodies in recent years, through annual meetings of the chairpersons at which subjects of common concern or specific issues were discussed. In 1995, a meeting had also taken place with the Secretary-General, and the intention was to continue with that exercise on a yearly basis. Moreover, she suggested that special rapporteurs might participate in the next chairpersons' meeting and vice versa.

41. On certain occasions, coordination had been sought with special rapporteurs, representatives, experts and working groups when special rapporteurs had been invited to address a treaty body with regard to specific country situations. Those initiatives had always been taken on an ad hoc basis. However, on a number of occasions, attempts at coordination and to have the presence of special rapporteurs at meetings of treaty bodies had failed owing to lack of financial resources.

42. One of the areas where the coordination between the special rapporteurs, special representatives, experts and working groups and the treaty bodies could be further increased, was that of urgent actions. In recent years, various treaty bodies had developed different procedures to deal with situations requiring urgent attention. The special rapporteurs, representatives, experts and working groups or independent experts concerned should be kept abreast of such measures. On the other hand, the special procedures system should keep the treaty bodies informed of action taken with regard to specific human rights situations.

43. One participant pointed out that coordination was needed not only to avoid duplication, but also to avoid the occurrence of different case-law or contradictions. Another participant said that the treaty bodies should be allowed to invite special rapporteurs to provide updated information to the members of those bodies on country or thematic issues. At the level of the Secretariat, although improved with the introduction of computerization, a more professional handling of the information was needed in order to allow a better flow of information. The same speaker concluded that the urgent mechanisms of the various treaty bodies had so far, unfortunately, not proved to be very successful. He therefore suggested that a division of labour could be established, whereby the special rapporteurs, representatives or experts would remain responsible for urgent appeals, whereas the treaty bodies would focus mainly on State party reports.

Agenda item 9

The problem of the relationship between terrorist activities and human rights in the context of participants' mandates

44. Pursuant to paragraph 6 of Commission resolution 1996/47, the problem of the relationship between terrorist activities and human rights in the context

of participants' mandates was considered, in order to see whether a common approach could be arrived at during the discussion. It was stated that most mechanisms dealing with human rights violations had adhered so far to the system of State responsibility for human rights violations. Giving terrorist groups the quality of violators of human rights would be dangerous and could amount to a sort of justification of human rights violations committed by Governments. A distinction should be made between citing such groups as human rights violators and the adverse effects their action might have on the enjoyment of human rights. In some circumstances, conditions were met for the application of common article 3 of the Geneva Conventions of 1949. A slightly different view was put forward by another participant, who referred to the decolonization process and to freedom fighters. He mentioned a resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities early in the 1980s, in which it had strongly condemned violations of common article 3 by the FMLN in El Salvador.

45. The view was expressed that the meeting was not expected to solve such a complex problem. The approach of the mandate holders to the issue ought to be pragmatic. However, since country reports had to reflect the actual situation in a country, they would not be complete if no account were given of terrorist acts if they had been committed. Protocol II additional to the Geneva Conventions of 1949 contained certain obligations and requirements regarding groups exercising control over a given area. It was reiterated that the victims' point of view and the consequences for them of such human rights violations should also be taken into account, since they destroyed the values underpinning the protection of human rights. In order to provide the background of human rights violations in a given country, it was important to describe the context in which they took place. The weakening or breakdown of States and State structures could lead to an even worse situation of human rights violations and might render the problem much more complex.

46. It was recognized that States were accountable for human rights violations because they had undertaken obligations to respect such rights and to guarantee their enjoyment and exercise to any person within their jurisdiction. It was also recognized that if ever a state of belligerency existed, namely a civil war, Protocol II additional to the Geneva Conventions, relating to the protection of victims of non-international armed conflicts should apply, as well as common article 3 of the Conventions. In such cases, international humanitarian law imposed obligations that to some extent were similar to those embodied in international human rights treaties. However, parties bound by international humanitarian law were not necessarily in a position to become parties to international human rights treaties.

47. It was stated that when drafting the reports, it should be borne in mind that: (i) States were responsible for human rights violations and were the addressees of the international human rights standards; a difference should be made between "human rights violations" and "crimes"; (ii) neither recognition nor legitimatization fell within the mandates of the experts; (iii) reports should distinguish between international humanitarian law and human rights law (recognizing that there are overlaps and gaps between the two); (iv) reports could describe actions by non-State groups (such as killings and kidnapping)

amounting to crimes, in order to give an overall picture of a given situation; however, that should not take away the responsibility of Governments concerning human rights violations.

48. The exchange of views was deemed useful. It was decided to keep the subject on the agenda of next year's meeting in the light of the expected study on the subject by the Sub-Commission and in the light of the work of the International Law Commission on the draft code of offences against the peace and security of mankind.

## Agenda item 10

## Integrating the rights of women

49. Participants expressed their appreciation of the valuable contributions made by the representatives of UNIFEM, Ms. Donna Sullivan and Ms. Sunila Abeysekera, who addressed gender-specific analysis and reporting on human rights violations. This entailed an examination of the effects of gender on: the form of particular human rights violations, the circumstances, their consequences for the victims and the availability and accessibility of remedies. Gender-specific analysis was deemed particularly important in evaluating and making recommendations concerning remedies. There was need for a discussion of the conceptual and legal framework for addressing gender-specific human rights violations, methodology and sources of information. Collectively, the reports of participants were thought to be characterized by inconsistent attention to and analysis of gender-specific violations. Particular attention should be devoted to the preparation and conduct of on-site visits by the participants. The reports by the Special Representative on internally displaced persons, the Special Representative on the situation of human rights in Cambodia and the Special Rapporteur on the situation of human rights in the Sudan were cited as examples of constructive approaches to women's rights. The need to address violations committed by non-State actors and to examine the scope of State responsibility in such cases was also expressed. The experts were urged routinely to assess the compatibility of national law and practice affecting women's human rights with international norms, including humanitarian norms, and to affirm unequivocally that international human rights norms were universally applicable to women's rights. Country reports should develop gender-specific methodologies for monitoring and reporting on the realization of economic, social and cultural rights. Particular attention should be paid to issues having to do with religion and freedom of belief, as the resurgence of religious extremism had a pervasive impact on women's human rights in societies.

50. A participant observed that while trying to integrate women's rights into human rights, women's organizations were also attempting to have data desegregated by gender. The best efforts to address issues regarding women were often thwarted by resource problems. The recruitment of staff with specific expertise in women's human rights was recommended, as well as more efficient coordination within the United Nations system and with non-governmental organizations. It was stated that women were often subject to double discrimination. In addition to gender-based discrimination, often they suffered discrimination on the basis of ethnic or minority group origin and age, for example.

Agenda item 11

Administrative questions, including budgetary issues

51. Participants raised a number of practical concerns in connection with which a senior administrative officer of the Centre for Human Rights, in a detailed presentation, outlined the various constraints with regard to financial and personnel resources allocated to the Centre in the regular budget of the United Nations and provided some clarifications on certain issues raised by the participants. The meeting expressed appreciation of his comments.

52. The question of remuneration of the independent experts was raised. The policy in that regard was seen as being somewhat inconsistent. Clarification was given by the Secretariat. It was explained that, within the United Nations system, very few committee members or chairmen were remunerated. Some exceptions were to be found with respect to certain committees whose members were working on a full-time basis. Within the Centre for Human Rights, only the members of the Human Rights Committee and the Committee on the Rights of the Child were remunerated by means of honoraria. That was not the consequence of a Secretariat decision but of a General Assembly decision. In the case of independent experts, it was mentioned that, although they were not paid, they received, as a kind of compensation, an additional amount of 40 per cent of their daily subsistence allowance (DSA).

53. Several participants expressed their concern that some of the expenses they incurred within the framework of their mandates were not reimbursed. In that regard, they requested the United Nations Secretariat to provide them with clear instructions as to what kind of expenses were not reimbursed. It was explained that the expenses incurred by the participants while on mission were considered legitimate and were therefore reimbursed without problem. However, because of the scarcity of budgetary resources, miscellaneous expenses should be minimized.

54. Several participants expressed the wish to receive the full amount of their DSA before departing or while on mission in order to enable them to cover their daily subsistence costs. It was explained to the participants that the procedure in the United Nations system was to pay 80 per cent of DSA in advance, before the mission, and the rest after the accomplishment of the mission. One participant pointed out that the common practice of transferring the remaining part of the DSA directly to their bank accounts without any explanation was not the most suitable solution because of a lack of transparency.

55. The experts were unanimous in declaring that they should be covered by medical and accident insurance while on official mission for the United Nations. In that regard, they requested the Centre for Human Rights to provide them with an official text or document explaining the United Nations policy in that domain. It was explained to the participants that the medical insurance was normally only available to staff members. Effective 1 April 1990, coverage had been extended to experts and consultants on official mission/travel/DSA status and other official visitors in the designated countries.

56. As a consequence of the financial and budgetary crisis facing the United Nations, and pursuant to a General Assembly decision, the Centre for Human Rights had to reduce its budget by 2.7 per cent. In order to meet the budgetary line, cuts have been made in the operational budget of the Centre. Such constraints had consequences on the proper conduct of the mandates of the independent experts, including their travel, since they did not know how many missions they would be able to conduct during the year. In addition, human resources to assist them in conducting their missions had also been reduced to the minimum (one staff member per mission).

57. On the issue of difficulties with regard to flight schedules, one participant requested the Secretariat to inform him whether the experts had the right to arrange their own itinerary or whether there was any kind of administrative restriction in that respect. Another participant, who had faced administrative difficulties while on mission in New York, requested the Secretariat to provide the experts, one month prior to their missions to New York, with an "explanatory letter" setting out the procedure to follow in order to alleviate the administrative burden. The same participant mentioned that the travel agency working with the United Nations did not provide an adequate service and suggested that the Centre for Human Rights could perhaps take some steps in order to make the agency improve its services.

58. Some participants expressed their concern with regard to the contractual status of the staff assisting the experts, which was very often insecure. The staff were often assigned on a temporary basis, which created discontinuity in the fulfilment of the mandates. Concern was also expressed with regard to the fact that staff members were very often assisting the experts on a part-time basis, because they were assigned to several mandates. In that regard, it was suggested that one assistant should be provided to each expert. That assistant should be available for a sufficient period to guarantee continuity of effective servicing.

## Agenda item 12

## Other matters

59. Under this agenda item, the meeting considered the date and venue of its next session, in 1997. The participants agreed that the officers of the meeting should remain in office until the next session and be entrusted with follow-up of the implementation of the recommendations adopted during the third meeting.

60. The attention of the participants was drawn by the Secretariat to the draft manual for the use of mandate holders of the special procedures system, which had been prepared at the request of participants at a previous meeting. Only the English version of the draft manual was so far available and copies in that language had been distributed to participants. The French and Spanish versions would be prepared shortly. The Secretariat would then transmit the draft manual in the relevant language to the participants for their comments and observations. Mandate holders' comments should be sent to the Centre for Human Rights for reflection in the text of the draft manual, which would be submitted for the consideration of the fourth meeting, in 1997.

## II. RECOMMENDATIONS

### A. Coordination

61. With a view to improving coordination between United Nations human rights mechanisms, the meeting made the following suggestions.

#### 1. Coordination between the holders of special procedures mandates and the High Commissioner for Human Rights regarding their in situ visits

62. Both the holders of special procedures mandates and the High Commissioner should exchange information on visits which may have an incidence on plans for country visits in the course of the year.

63. In order to preserve confidentiality and flexibility regarding ongoing contacts and discussions, a focal point should be designated for this purpose in the Centre for Human Rights. The focal point would act as a clearing house, receiving information concerning all informal contacts that the special rapporteurs/representatives/experts and chairpersons of working groups and the High Commissioner for Human Rights are having with a given Government about a possible visit. The focal point would make available this information upon request to the human rights officers assisting the special rapporteurs/representatives/experts and working groups envisaging future missions, as well as to the Office of the High Commissioner.

#### 2. Coordination with the advisory services and technical cooperation programme

64. The objective and procedures set forth in the previous paragraphs are also applicable whenever a visit to a given country is envisaged within the framework of the advisory services and technical cooperation programme.

#### 3. Coordination between the special procedures system and the treaty bodies

65. The meeting suggested that, each time a human rights treaty body, considers the report of a State party, it should take into consideration the relevant reports of the special rapporteurs/representatives/experts and working groups.

66. The meeting agreed to be represented at the annual meetings of the chairpersons of the human rights treaty bodies.

67. Cooperation between the special procedures system and the treaty bodies should be strengthened in cases which call for the sending of urgent action appeals.

4. Coordination between the special procedures system and the Security Council and General Assembly, through the Secretary-General

68. The meeting requested the High Commissioner for Human Rights to keep the Secretary-General, and through him the General Assembly and the Security Council, apprised of the activities of the holders of mandates. In particular, the meeting suggested that whenever a decision was taken or a resolution adopted by the General Assembly or the Security Council concerning a given country, the relevant reports of special rapporteurs/representatives/experts and working groups should be taken into account, as well as any possible cooperation that may be deemed necessary. The special rapporteurs, representatives, independent experts and working groups would appreciate receiving, through the Secretary-General, Security Council and General Assembly, documents relevant to their respective mandates.

5. Cooperation with the Secretary-General

69. In order to strengthen the United Nations human rights machinery, the chairman of the meeting should meet annually with the Secretary-General, in a way similar to that in which the chairperson of the Meeting of persons chairing human rights treaty bodies met with him.

B. Follow-up procedure

70. The third meeting:

1. Suggests that a study be carried out on the conditions under which the High Commissioner for Human Rights could intervene with a given country to facilitate the follow-up of recommendations by the holders of human rights mandates;

2. Welcomes the proposal made by the special rapporteurs/representatives/experts and working groups to cooperate with the High Commissioner for Human Rights in the elaboration of a procedure to follow up its recommendations and decisions;

3. Requests the High Commissioner to convey his suggestions concerning such a follow-up procedure to the special rapporteurs/representatives/experts and working groups before their fourth meeting is convened;

4. Decides to study the High Commissioner's suggestions at its next meeting, in 1997.

C. Working relations with the Commission on Human Rights

71. In view of the constraints of the various mandates, the meeting requested that:

(i) The deadline for submission of reports should be 15 January;

(ii) The rule concerning the number of pages per document should be applied with the utmost flexibility, in particular, with regard to thematic mandates;

(iii) A five-page addendum to the main report should be issued when, in the opinion of the mandate holder, drastic changes in a given human rights situation so required. It should be translated and distributed in all official languages in a timely fashion;

(iv) All thematic reports should be translated into all official languages in a timely fashion.

72. The meeting also suggested that, in order to enhance the dialogue and feedback between the special procedures experts and the Commission, ancillary meetings for in-depth discussion between the mandate holders and other participants in the Commission should be organized, announced in the order of the day and provided with interpretation during the Commission sessions.

73. The meeting suggested that the mandate holders should be allowed to remain in Geneva in order to follow the entire debate of the agenda items under which their mandates fall.

74. The meeting agreed to invite the Chairperson of the Commission to its annual meetings and to contribute to the ongoing efforts to improve the work of the Commission.

## D. Integrating the rights of women

75. The meeting accepted that special rapporteurs/representatives/experts and working groups should take a gender perspective into account in the implementation of their respective mandates and appreciated the contribution made by the representatives of UNIFEM. In this connection, participants suggested that there should be concerted action between UNIFEM, UNFPA and the Centre for Human Rights with a view to providing support in the recruitment of professionals who are experts on the human rights of women.

## E. The problem of the relationship between terrorist activities and human rights in the context of participants' mandates

76. The meeting noted that, when dealing with the consequences of the acts, methods and practices of terrorist groups in their reports to the Commission, the holders of human rights mandates should adopt a victim-oriented approach. The meeting recalled that abuses by terrorist groups could not be considered as a justification for human rights violations by the State. Furthermore, all measures to counter terrorists must be in conformity with international human rights standards.

## F. Restructuring of the Centre for Human Rights

77. The meeting requested that in the restructuring process of the Centre, and despite the financial crisis of the United Nations, every measure should be taken to strengthen the special procedures system. It also expressed the wish that the Centre would be in a position to keep its specialized human

resources and that the decisions taken would rationalize its work and contribute to the enhancement of the work of special rapporteurs/ representatives/experts and working groups.

## G. 1997 meeting

78. The third meeting decided that its officers should remain in office until election of the officers of the fourth meeting, to be held from 20 to 22 May 1997, in Geneva, and should be entrusted with monitoring the follow-up of the adopted recommendations, including their transmission to the High Commissioner for Human Rights.

Appendix

LIST OF PARTICIPANTS

| | |
|---|---|
| Mr. Abdelfattah Amor | Special Rapporteur on the elimination of all forms of religious intolerance and of discrimination based on religion or belief |
| Mr. Alejandro Artucio | Special Rapporteur on the situation of human rights in Equatorial Guinea |
| Mr. Enrique Bernales | Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination |
| Mr. Gáspár Bíro | Special Rapporteur on the situation of human rights in the Sudan |
| Ms. Ofelia Calcetas-Santos | Special Rapporteur on the sale of children, child prostitution and child pornography |
| Mr. Mohamed Charfi | Independent expert on the situation of human rights in Somalia |
| Mr. Maurice Copithorne | Special Representative on the situation of human rights in Iran |
| Mr. Param Cumaraswamy | Special Rapporteur on the independence of judges and lawyers |
| Mr. René Degni-Ségui | Special Rapporteur on the situation of human rights in Rwanda |
| Mr. Adama Dieng | Independent expert on the situation of human rights in Haiti |
| Mr. Roberto Garretón | Special Rapporteur on the situation of human rights in Zaire |
| Mr. Maurice Glèlè-Ahanhanzo | Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance |
| Mr. Carl-Johan Groth | Special Rapporteur on the situation of human rights in Cuba |
| Mr. Hannu Halinen | Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 |

| | |
|---|---|
| Mr. Thomas Hammarberg | Special Representative of the Secretary-General for human rights in Cambodia |
| Mr. Abid Hussain | Special Rapporteur on freedom of opinion and expression |
| Mr. Louis Joinet | Chairman of the Working Group on Arbitrary Detention |
| Mr. Bacre Waly Ndiaye | Special Rapporteur on extrajudicial, summary or arbitrary executions |
| Mr. Manfred Nowak | Expert in charge of the special process dealing with the problem of missing persons in the territory of the former Yugoslavia |
| Mr. Choong-Hyun Paik | Special Rapporteur on the situation of human rights in Afghanistan |
| Mr. Paulo Sergio Pinheiro | Special Rapporteur on the situation of human rights in Burundi |
| Ms. Mónica Pinto | Independent expert on the situation of human rights in Guatemala |
| Mr. Nigel S. Rodley | Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment |
| Mr. Ivan Tosevski | Chairman of the Working Group on Enforced or Involuntary Disappearances |

---